


**Council of the District of Columbia
Committee on Human Services
Report**

John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004

To: All Councilmembers

From: Adrian M. Fenty, Chairperson, Committee on Human Services 

Date: October 17, 2005

Subject: Report on Bill 16-180, the Grandparent Caregivers Pilot Program Establishment Act of 2005

The Committee on Human Services, to which Bill 16-180, renamed the Grandparent Caregivers Pilot Program Establishment Act of 2005, was referred, reports favorably on the legislation and recommends its approval by the Council of the District of Columbia.

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I. PURPOSE AND EFFECT

The purpose of Bill 16-180 as introduced is to expand the benefits of the permanent guardianship program to children who have not been adjudicated neglected but would likely become so if not for being in the care and custody of a grandparent. The approved budget for Fiscal Year 2006 includes \$2,000,000 for this purpose in the budget of the Child and Family Services Agency. Currently, grandparents who have custody of their grandchildren are only eligible for the Temporary Assistance to Needy Families (TANF), a subsidy program distributed by the Income Maintenance Administration, through the Department of Human Services.

II. LEGISLATIVE HISTORY

<u>Date</u>	<u>Action</u>
March 1, 2005	Bill 16-180, originally called the Permanent Guardianship for Grandparents Caregivers Act of 2005, is introduced by Chairman Cropp and cosponsored by Councilmembers Ambrose, Barry, Brown, Catania, Evans, Fenty, Graham, Mendelson, Orange, Schwartz, and Patterson. Bill 16-180 is referred to the Committee on Human Services.
March 11, 2005	Public notice of introduction of Bill 16-180 is published in the District of Columbia Register.
March 24, 2005	Bill 16-200, the Fiscal Year Budget Support Act of 2005, is introduced by Chairman Cropp at the request of the Mayor. Title V, Subtitle F of Bill 16-200 is identical to the introduced version of Bill 16-180.
April 15, 2005	Notice of a public roundtable on Bill 16-180 is published in the District of Columbia Register.
April 22, 2005	The Committee on Human Services holds a public hearing on Bill 16-180.
April 29, 2005	The Committee on Human Services recommends removing Subtitle F of Title V from the Budget Support Act to allow for further review and revision of Bill 16-180.
September 30, 2005	Notice of a second public roundtable on Bill 16-180 is published in the District of Columbia Register.
October 3, 2005	The Committee on Human Services holds a second public roundtable on Bill 16-180.
October 14, 2005	The Committee on Human Services meets to consider and mark up the report and committee print of Bill 16-180.

III. SECTION-BY-SECTION ANALYSIS

Section 101 defines the terms "criminal background check," "grandparent," "Mayor," and "TANF".

Section 102 directs the Mayor to establish a pilot program in Fiscal Years 2006 through 2009 to permit an eligible grandparent who is the primary caregiver of a grandchild to receive a subsidy.

Section 103 sets the following criteria for eligibility to receive the subsidy:

1. The grandparent has previously obtained legal custody of the child;
2. The child has resided in the grandparent's home for at least the previous 6 months;
3. The child's parent has not resided in the grandparent's home for at least the previous 6 months, unless the grandparent obtained legal custody of the child through a standby guardianship order;
4. The grandparent and all adults residing in the home have submitted to a criminal background check;
5. The grandparent's income is not more than 200 percent of the federal poverty level. The 2005 federal poverty level established by the U.S. Department of Health and Human Services is \$16,090 for a household of three persons;
6. The grandparent is a resident of the District for the purposes of the District's public care systems;
7. The grandparent has applied to receive TANF benefits on behalf of the child;
8. The grandparent and the District have entered into a subsidy agreement stating that the subsidy is to be used for the child's benefit;
9. The grandparent has signed a sworn statement that information provided to establish eligibility is true to the best of his or her knowledge; and
10. The grandparent meets any other criteria established by rulemaking.

Section 4 also directs the Mayor to recertify the eligibility of each grandparent to receive the subsidy at least annually, to terminate subsidy payments immediately after determining that the grandparent no longer meets the eligibility criteria, and clarifies that the child must be under 18 years of age for the grandparent to be eligible for the subsidy. Finally, section 4 permits a grandparent who is denied or terminated from receipt of the subsidy to request a fair hearing, unless the denial or termination is the result of a lack of appropriated funds.

Section 104 states that the act does not create an entitlement for eligible grandparents to receive the subsidy and that the availability of subsidies is subject to appropriation. The section establishes that the amount of the subsidy shall be equal to that of the regular daily rate of the long-term permanent guardianship subsidy (approximately \$717.90 or \$791.10 per child per month, depending on the age of the child), and that the amount of a grandparent's subsidy shall be offset by the amount of TANF payments received. The section states that the provision of a grandparent caregiver subsidy does not absolve the parent of a child from any legal obligation to make child support payments.

Section 105 requires the Mayor to submit to the Council annual reports on the grandparent caregiver pilot program beginning January 1, 2007. The reports will include:

1. The number of applications filed for the subsidy;
2. The number of subsidies awarded;
3. The number of families receiving both the subsidy and TANF;
4. The number of applications denied for failure to meet eligibility criteria;
5. The number of applications denied for lack of appropriated funding;
6. An estimate of grandparent caregivers who would likely meet the eligibility criteria but have not applied for the subsidy;
7. An estimate of the number of grandparents in the District who are acting as the primary caregivers of their grandchildren without having obtained a formal custody order, permanent guardianship order, or standby guardianship order;

8. The number of subsidies terminated;
9. The number of documented cases of fraudulent subsidy claims and a comparison of the fraud rates of the pilot program and similar programs;
10. The number of children removed from households receiving subsidy due to a substantiated allegation of child abuse or neglect; and
11. Any legislative, policy, or administrative recommendations of the Family Court or Executive Branch intended to enhance the effectiveness of the program.

Section 106 grants the Mayor the authority to issue rules to implement the act.

Section 201 makes conforming changes to clarify that the grandparent caregiver subsidy shall not be disregarded from the consideration of income for the purposes of eligibility for TANF benefits.

Section 301 references the fiscal impact statement included in section VIII of this report.

Section 302 states the effective date clause of the bill.

IV. IMPACT ON EXISTING LAW

Bill 16-180 is a freestanding act. Section 201 of the bill makes conforming amendments to section 511(a) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*).

V. SUMMARY OF PUBLIC TESTIMONY

Robert Guttman, AARP Executive Council Member, testified that AARP-DC strongly supports Bill 16-180, because it deals with a serious social problem. There is a growing phenomenon of grandparents and other older relatives who are looking after their grandchildren because the parents are unwilling or unable to do so. Mr. Guttman discussed the four focus groups AARP-DC convened to discuss this issue in detail, and found that there is an inexplicable discrepancy in the financial assistance provided to foster parents, compared to grandparents who care for their children who would otherwise be adjudicated, abused, or neglected. Mr. Guttman further stated that this legislation would be a starting point to address this inequity, and will providing grandparents with the same level of support as those who are foster care parents. Mr. Guttman stated that some technical adjustments are needed to improve the legislation.

Marcella Williams, Grandparent, testified that she is in support of this bill. As the grandparent of two young children, she has been caring for her grandchildren since the death of her children's parents. As a Laundromat employee, Ms. Williams testified that she finds it difficult to meet the needs of her grandchildren. Ms. Williams stated that she received \$375.00 per month for her two grandchildren through the TANF program, however this is not enough, and more is needed to help grandparents such as her.

Sandra Oden, Grandparent, testified that she is a TANF recipient, who has been raising her four grandchildren for the past 14 years. Ms Oden stated that she obtained custody of her grandchildren due to her daughter's drug dependency. Ms. Oden stated that she receives \$369.00 in TANF benefits per month, and wishes that she could receive more help. Ms. Oden testified that the city's grandparents are working very hard and need more support.

William Rumsey, of AARP, thanked Councilmember Fenty for allowing AARP to move this legislation, and making it a reality.

Dr. Sandra Crew, Associate Professor, Howard University School of Social Work, testified that the growing number of grandparents caring for their grandchildren is a social problem that needs to be addressed. Dr. Crew further stated that Howard University supports this legislation, and recognizes the burden placed upon grandparents with marginal incomes who are raising their grandchildren. Dr. Crew stated that the added responsibility of raising grandchildren can be overwhelming for grandparents, and may result in self-sacrifice to meet the needs of their dependent relatives. As moderator and co-author of the AARP Focus Group Study on Grandparents Raising Grandchildren in the District of Columbia, Dr. Crew heard first hand the multiple needs of grandparents. This legislation, according to Dr. Crew, will address the needs for adequate financial support, while recognizing the emotional as well as the financial investments related to caregiving. Dr. Crew further testified that this legislation would preserve families and improve both the caregiver and children's quality of life. Dr. Crew also recommended that there is a benefit to have the Child and Family Services Agency administer the program, while connecting the children to community based providers for services.

Evita Smedley, Public Policy Analyst for DC Action for Kids (DC ACT), on behalf of Executive Director, Angela Jones, testified in support of the legislation. Ms. Smedley provided statistics that nationally, 2.4 million grandparents have primary responsibility for the daily basic care of their grandchildren, and in the District of Columbia, over 8,000 grandparents are responsible for the care and custody of their grandchildren. Ms. Smedley corroborated the facts discussed by other public witnesses, and added that the legislation provides a mechanism for grandparents and parents to agree as to how a child will be cared for without initiating a neglect or abuse court case or terminating parental rights. According to Ms. Smedley, this legislation is a step in the right direction to help the District's grandparent-headed families to survive and thrive. Ms. Smedley further stated that grandparents need education and advocacy, which could be provided through community based providers, such as the Healthy Families and Thriving Families Collaboratives.

Rutledge Q. Hutson, Deputy Director, Child Welfare and Mental Health, Children's Defense Fund, testified that there are 11,000 children in the District of Columbia living with their grandparents for various reasons. Ms. Hutson further stated that these situations are often luck of the draw as to whether or not a child is placed into the District's foster care system, or resides with a grandparent. Ms. Hutson further stated that 35 States and the District of Columbia, offer permanent guardianship subsidies to the family members through the child welfare system. According to Ms. Hutson, getting support for grandparents who intervene prior to child welfare involvement has been a challenge, as the federal Adoptions and Safe Family Act (ASFA) failed to provide support for legal guardians outside of the child welfare system. This

legislation will provide much needed financial support for families, therefore the Children Defense Fund supports this legislation, however they urge further support for all kinship caregivers outside of the child welfare system.

Elisa Long, Supervising Attorney, Children's Law Center, testified in support of this legislation for two reasons, (1) as it allows families to make their own arrangements, without government intervention, and (2) the Act protects the parents' rights. However, the Children's Law Center requested that the legislation be expanded to include aunts and uncles, who also provide care for children whose parents are unable to do so. The Children's Law Center also recommends that the Committee consider removing the licensing requirements in the legislation, which can be a tedious process. Children who are non-adjudicated should not be subjected to the licensing process as kinship providers of adjudicated children.

Mary Jackson, Grandparents on the Move, testified in favor of providing additional support to grandparent caregivers. Ms. Jackson further stated that it is currently difficult for an individual to obtain legal custody of their grandchildren. Ms. Jackson stated that although she has been fortunate to retire from the federal government, grandparents still need more help. Ms. Jackson further testified that many grandparents who reside in senior housing are afraid to report this matter to their landlords, for fear of being evicted. Ms. Jackson suggests that their needs to be proper oversight of the distribution of monies to make sure that there is no abuse of the program. Ms. Jackson states that age is also a factor for grandparents, who may need further assistance. Ms. Jackson would like to see the Council address not only the issues of grandparents who are living below the poverty level, but also of those who have moderate incomes.

Ran Reed, of the Ran Reed Group, testified in support of the legislation. Ms. Reed stated that the legislation does not address the likelihood of the godparent caregiver. Ms. Reed stated that the nation is just beginning to address the family and its extended relationships, such as those of the godparent.

Lauren Smith, Supervising Attorney, Family Law Unit, Legal Aid Society, testified in support of the legislation. Ms. Smith stated that although the legislation needs some technical amendments, as suggested by AARP. The Legal Aid Society further stated that the legislation is needed because the TANF grant is too low, and suggests that if the TANF grant was increased, this legislation would not be necessary. According to Ms. Smith, the Legal Aid Society has long advocated for an increase in the TANF grant, and suggest that it would cost the District \$10.2 million to increase the TANF benefit levels by 15% from \$298 to \$343 for a family of two. The Legal Aid Society encourages the Council to continue to build on this legislation to ensure that all low-income families in the District receive adequate support.

Eric Angel, Legal Director of the Legal Aid Society for the District of Columbia, submitted testimony recommending that this legislation be developed as a Pilot Program. The reasoning is to not mislead all grandparent caregivers that the subsidy will be available to them when they apply and will limit the subsidy to those grandparents that are more needy. The Legal Aid Society submitted another version of the legislation, with technical changes.

VI. SUMMARY OF EXECUTIVE BRANCH TESTIMONY

Janet Maher, Chief of Staff, Child and Family Services Agency, testified on behalf of Mayor Anthony Williams, Deputy Mayor Neil Albert, and Director Brenda Donald Walker in support of the legislation. This legislation will extend the guardianship subsidy for children outside of the child welfare system. CFSA reports that about 16,700 District children are residing in grandparent-headed household. Ms. Maher reports that the guardianship subsidy will cost about \$11,000 per child annually, while it cost between \$25,000 - \$80,000 annually for children in out-of-home placements through the child welfare system. Ms. Maher states that the legislation needs some technical changes, including a provision requiring applicants to obtain child protection clearances and local police clearances to ensure that the living environment is safe. Although the proposed funding is \$2 million, CFSA does not know the exact number of participants in the program, however estimates that about 200 children will be served. Ms. Maher states that the legislation does not provide for the entire universe of kinship caregivers. The CFSA guardianship program for adjudicated children currently serves 431 children, however this number is evolving. According to Ms. Maher, this legislation is on the leading edge of a national trend to subsidize family care outside of the child welfare system.

Kate Jesberg, Administrator of the Department of Human Services, Income Maintenance Administration, provided no written testimony but was available to answer questions of the Committee. Ms. Jesberg stated that about 80 percent of the time, grandparents apply for TANF in "payee only" cases. In these cases, the income of the caretaker or relative is not considered. Ms. Jesberg stated that there are about 2000 individuals eligible for the program.

VII. COMMITTEE REASONING

In the District of Columbia, an estimated 8,000 grandparents care for their grandchildren. The Committee heard testimony that this is a growing national trend, with many socioeconomic implications. For those grandparents living below the poverty level, caring for grandchildren is even more difficult, as the need for financial assistance and wraparound social services are greater. The reasons why there are a growing number of grandparents caring for their grandchildren in the District of Columbia include, but are not limited to, the implications of the HIV/AIDS epidemic, parental issues with drug dependency, incarceration, and mental instability. The Committee understands that grandparent caregivers are providing a much needed resource: on-going family-based care, which, where parents are unable or unwilling to perform their responsibilities, can prevent children from entering the abuse and neglect system. The District, like nearly all states, currently provides little support for grandparent caregivers, in spite of the important role they have risen to accept.

At the heart of this discussion, is the disparity of financial assistance provided to foster parents who care for the District's adjudicated children. The Committee heard testimony that it costs between \$25,000 and \$80,000 for out-of-home placements per child who enters District's child welfare system (depending on the special needs of the child). Currently, foster parents are paid, on average, \$799.93 per month, per child. By contrast, payee-only caregivers receive only \$239

for one child through Temporary Assistance to Needy Families, with smaller marginal increases for additional children. Furthermore, foster parents, and adjudicated children receive supportive services, which include referrals for mental health services, housing educational supports and family preservation services. Grandparent caregivers often need these same supports; however, the fact that they have assumed responsibility for children who have not entered the child welfare system means that they are challenged to obtain such services on the community level. For this reason, grandparent caregivers have an even more intense need for services available through the Healthy Families/Thriving Communities Family Support Collaboratives, community-based organizations designed to provide services that can help keep families together.

The approved FY 2006 budget includes \$2 million in local funds to invest in the expansion of the permanent guardianship program for grandparent caregivers. The Committee heard testimony from the Executive that there are an estimated 2,000 grandparents currently receiving TANF benefits on behalf of their grandchildren. Given that the average per-child amount paid annually through permanent guardianship subsidies is \$10,800, the \$2 million appropriation could support no more than 200 families—only a small fraction of low-income grandparent caregivers. For this reason, the Committee has restricted limited resources to those needy families with incomes under 200 percent of the poverty level. In addition, the Committee has restructured the subsidy as a pilot program, as initially suggested by the Legal Aid Society. Eligible grandparent caregivers will receive an estimated \$800 per child per month under the pilot program.

The Committee also recommends establishing qualification criteria to ensure that the subsidy supports low-income District grandparent caregivers. First, eligible grandparents must have previously obtained a custody order for their grandchild. In addition, eligible grandparents must be residents of the District, must have cared for their grandchildren for at least 6 months, and must not have lived with the child's parent for at least 6 months (unless the grandparent is the child's standby guardian). In order to spread the pilot program's scarce resources, the Committee recommends offsetting the amount of the grandparent caregiver subsidy by the amount of TANF subsidies received on behalf of the children. Title II of the Committee print makes a technical change to ensure that money received as a grandparent caregiver subsidy does not affect the calculation of the grandparent's income for the purposes of determining eligibility for TANF benefits. The Administrator of IMA has advised the Committee that federal law prohibits the exemption of the subsidy from the calculation of income for the purposes of eligibility for Food Stamps. The Administrator of IMA also advises that the receipt of the grandparent caregiver subsidy will have no impact on a grandparent's ability to secure Medicaid benefits for the child.

The Committee has accepted the recommendation of CFSA that, in order to ensure that children living with grandparent caregivers reside in a safe environment, the grandparent and all adults age 18 and over residing in the home receive criminal background checks. However, the committee print allows the Mayor to determine through rulemaking what kind of criminal history would disqualify a caregiver from receiving the subsidy. The Committee notes that a parent with a criminal record cannot be relieved of custody unless harm has come to the child, and that courts typically approve motions to grant custody in the absence of any objection. Nonetheless, the government has an interest in ensuring that subsidies support caregiving relationships that

protect children, and that the policy purpose behind the legislation is that a subsidy could prevent children from entering the child welfare system due to abuse or neglect.

Following the April 22, 2005 public hearing, Committee staff facilitated two meetings, with participants from AARP, the Legal Aid Society, the Children's Law Center and the Child and Family Services Agency. This focused discussion was necessary to review the language of the legislation, and make the appropriate changes for individuals eligible to receive the guardianship funding. There were no opponents in principle to the proposed legislation, however advocates who had extensive experience with representing family members in custody and neglect hearings before the court, desired the legislation to include the full universe of relatives who obtain legal custody of their young relatives. The federal Adoption and Safe Family Act of 2000, recognizes kinship care providers, and godparents, who agree to obtain legal custody of young relatives involved with the child welfare system. The Committee recognizes the commitment and contributions of these family members. However, the Community Investment funding provided in the Mayor's fiscal year 2006 budget, provides \$2 million for the permanent guardianship for grandparent caregivers program. In light of this fact, the parties agreed to establish the Act as a pilot program, giving advocates time to consider the actual number of residents eligible for the guardianship subsidy, and validate the need to expand funding for the program.

The Committee believes that the pilot program will improve outcomes for the District's vulnerable children by protecting them from abuse and neglect and keeping them out of the child welfare system. Nonetheless, because this program would be one of the first nationwide to offer a subsidy to grandparent caregivers, the Committee believes there is a need to collect data on the program's effectiveness, and to reevaluate the program after the end of FY 2009. The Committee hopes that the data will facilitate improvements to the program in the future.

VIII. FISCAL IMPACT STATEMENT

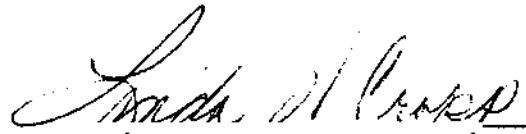
The Committee incorporates as part of the record the Chief Financial Officer's fiscal impact statement on Subtitle F of Title V of Bill 16-200 in attachment E of this report. That fiscal impact statement found that the proposed establishment of the establishment of a subsidy program for low-income grandparent caregivers would have no impact on the budget and financial plan.

The FY 2006 budget approved by the Council and signed by the Mayor includes \$2,000,000 in new, recurring local funds spending to fund the expansion of permanent guardianship benefits for grandparents caring for their grandchildren. It was the intent of the Committee and of the Council, at the time the budget was approved, to use these funds to support the implementation of Bill 16-180 in FY 2006. The Committee therefore directs that this \$2,000,000 annual appropriation finance the pilot program.

Ms. Maher testified for CFSA that, of the \$2,000,000 appropriated, \$115,000 (supporting 1.5 FTE positions) would be required to administer the program. The remaining \$1,885,000 would be available to fund direct subsidies to grandparent caregivers in FY 2006. Section 104 makes clear that there is no entitlement on the part of eligible grandparent caregivers to receive the

Attachment A.

Bill 16-180, as introduced by Chairman Cropp.


Chairman Linda W. Cropp / /

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Linda W. Cropp introduced the following bill, which was referred to the Committee on _____.

To amend Title 6 of the District of Columbia Official Code to expand the benefits of the permanent guardianship program to children who have not been adjudicated neglected but would likely become so if not for being in the care and custody of a grandparent.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Permanent Guardianship for Grandparent Caregivers Act of 2005."

Sec. 2. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2381(1) is amended as follows:

(1) Strike the phrase "of their parent" and insert the phrase "of their parent or who have not been adjudicated neglected and are under the care and custody of a grandparent, as that term is defined by this act," in its place.

(2) Strike the phrase "permanent guardianship in" and insert the phrase "permanent guardianship and the provision of support and subsidy under" in its place.

(b) Section 16-2382(a) is amended by adding a new paragraph (1A) to read as follows:

"(1 A) "Grandparent" means a grandparent, great-grandparent, great-aunt, and great-uncle

of a child who is the child's proposed permanent guardian or permanent guardian pursuant to this
act.

(c) Section 16-2383(a) is amended by striking the phrase "at least 6 months" and
inserting the phrase "at least 6 months or has not been adjudicated neglected and has been in the
care and custody of a grandparent, as described in section 16-2383a, for at least 6 months" in its
place.

(d) Section 16-2384(b) is amended by striking the phrase "section 16-2305" and
inserting the phrase "section 16-2305, or when a grandparent is eligible to become a permanent
guardian pursuant to section 16-2383a" in its place.

(e) Section 16-2385 is amended by striking the phrase "the agency having the legal
custody of the child, and the District of Columbia" and inserting the phrase "the District of
Columbia, and, if applicable, the agency having legal custody of the child" in its place.

(f) A new section 16-2383a is added to read as follows:

"§ 16-2383a. Grandparent Care and Custody established, criteria.

"A grandparent shall be deemed to have the care and custody of a child if for at least the
previous 6 months, the:

"(1) Child has been living in the grandparent's residence;

"(2) Child's parent has not lived in the grandparent's residence;

"(3) Grandparent has provided sustenance for the child;

"(4) Grandparent has provided for the child's health care; and

"(5) Grandparent has the child in school, after-school care, or day care, whichever
is appropriate.

"(6) Parent has been unable or unwilling to care for the child; such will be deemed
to be the case if the parent:

"(A) Has left the child in the grandparent's care;

"(B) Is physically not able to be present to provide care and shelter
for the child; or

"(C) Demonstrates otherwise, or other evidence demonstrates, that
he or she is not providing the necessary care and shelter for the child."

(g) Section 16-2399(b) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(1) The child must be:

"(A) Adjudicated neglected pursuant to section 16-2317; or

"(B) Not adjudicated neglected and under the care and custody of a
permanent guardian pursuant to section 16-23 83a whose income is under 250% of the federally-
defined poverty level or has been receiving Temporary Assistance to Needy Families grants on
behalf of the child for at least 6 months;"

(2) Paragraph (2) is amended by striking the phrase "The child must" and inserting
the phrase "The child, only if adjudicated neglected as described in paragraph (1) of this
subsection, must" in its place.

(3) Paragraph (4) is amended by striking the phrase "agreement must" and
inserting the phrase "agreement, which includes a provision that no payments received under the
agreement shall inure to the benefit of the child's parent but shall be solely for the benefit of the
child, shall" in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement require by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1 -206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C Official Code §1-206.02(c)(1)), and publication in the District of Columbia Regi ster.

Attachment B.

Title V, Subtitle F of Bill 16-200, as introduced by Chairman Cropp at the request of the Mayor.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

SUBTITLE F. PERMANENT GUARDIANSHIP FOR GRANDPARENTS CAREGIVERS

Sec 5051. Short title.

This subtitle may be cited as the "Permanent Guardianship for Caregivers Act of 2005."

Sec. 5052. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2381(1) is amended as follows:

(1) Strike the phrase "of their parent" and insert the phrase "of their parent or who have not been adjudicated neglected and are under the care and custody of a grandparent, as that term is defined by this act," in its place.

(2) Strike the phrase "permanent guardianship in" and insert the phrase "permanent guardianship and the provision of support and subsidy under" in its place.

(b) Section 16-2382(a) is amended by adding a new paragraph (1A) to read as follows:

"(1 A) "Grandparent" means a grandparent, great-grandparent, great-aunt, and great-uncle of a child who is the child's proposed permanent guardian or permanent guardian pursuant to this act.

(c) Section 16-2383(a) is amended by striking the phrase "at least 6 months" and inserting the phrase "at least 6 months or has not been adjudicated neglected and has been in the care and custody of a grandparent, as described in section 16-2383a, for at least 6 months" in its place.

(d) Section 16-2384(b) is amended by striking the phrase "section 16-2305" and inserting the phrase "section 16-2305, or when a grandparent is eligible to become a permanent guardian pursuant to section 16-2383a" in its place.

(e) Section 16-2385 is amended by striking the phrase "the agency having the legal custody of the child, and the District of Columbia" and inserting the phrase "the District of Columbia, and, if applicable, the agency having legal custody of the child" in its place.

(f) A new section 16-2383a is added to read as follows:

"§ 16-2383a. Grandparent Care and Custody established criteria.

"A grandparent shall be deemed to have the care and custody of a child if for at least the previous 6 months, the:

"(1) Child has been living in the grandparent's residence;

"(2) Child's parent has not lived in the grandparent's residence;

"(3) Grandparent has provided sustenance for the child;

"(4) Grandparent has provided for the child's health care; and

"(5) Grandparent has the child in school, after-school care, or day care, whichever is appropriate

"(6) Parent has been unable or unwilling to care for the child; such will be deemed to be the case if the parent:

"(A) Has left the child in the grandparent's care;

"(B) Is physically not able to be present to provide care and shelter for the child;

or

"(C) Demonstrates otherwise or other evidence demonstrates, that he or she is not providing the necessary care and shelter for the child.".

(g) Section 16-2399(b) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(1) The child must be:

"(A) Adjudicated neglected pursuant to section 16-2317; or

"(B) Not adjudicated neglected and under the care and custody of a permanent guardian pursuant to section 16-2383a whose income is under 250% of the federally-defined poverty level or has been receiving Temporary Assistance to Needy Families grants on behalf of the child for at least 6 months;".

(2) Paragraph (2) is amended by striking the phrase "The child must" and inserting the phrase "The child, only if adjudicated neglected as described in paragraph (1) of this subsection, must" in its place.

(3) Paragraph (4) is amended by striking the phrase "agreement must" and inserting the phrase "agreement, which includes a provision that no payments received

under the agreement shall inure to the benefit of the child's parent but shall be solely for the benefit of the child, shall" in its place.

Sec. 5053. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement require by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-206.02(c)(3)).

TITLE VI. PUBLIC WORKS

SUBTITLE A. TRAFFIC AMENDMENT

Sec. 6001. Short title.

This subtitle may be cited as the "Traffic Amendment Act of 2005".

Sec. 6002. The District of Columbia Traffic Act Amendment of 1990, effective February 28, 1990 (DC Law 8-103; D.C. Official Code §50-2201.03 (k)(4)), is amended to read as follows:

(4) Delete the phrase "\$50" and insert in its place "\$75".

Sec. 6003. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

SUBTITLE B. PARKING FINES INCREASE

Sec. 6011. Short title.

Attachment E.

Chief Financial Officer's fiscal impact statement on Title V of Subtitle F of the Fiscal Year 2006
Budget Support Act of 2005 as introduced.

Subtitle D – Medical Homes Grant Making Act of 2005:

Background

The proposed subtitle provides the Office of the City Administrator the authority to award grants to certain medical homes in the District. The award amounts are not to exceed an aggregate of \$510,900.

Financial Plan Impact

Funds are sufficient in the proposed FY 2006 through FY 2009 budget and financial plan to implement the provisions of the proposed subtitle. No additional staff or resources will be required. The proposed budget includes sufficient funding in the District Department of Health for the grant awards.

Subtitle E – Child Support Pass-Through Establishment Amendment Act of 2005:

Background

The proposed title diverts \$50 of child support payments passing through the collection entities on their way to their Court-ordered repositories to the minor child's family. Funds will offset the Child Support Enforcement Division (CSED) operations in the Office of the Attorney General of the District of Columbia (OAG).

Financial Plan Impact

Funds are sufficient in the proposed FY 2006 through FY 2009 budget and financial plan. No additional staff or resources will be required. The table in Figure 20 presents the estimated revenue that will be used to offset OAG/CSED operations.

Figure 20

Estimated Revenue to Offset OAG/CSED Operations				
FY 2006	FY 2007	FY 2008	FY 2009	4-Year Total
\$1.5	\$1.5	\$1.5	\$1.5	\$6.0

Subtitle F – Permanent Guardianship for Caregivers Act of 2005:

Background

The proposed title authorizes a grandparent of a child to be guardian and custodian under special circumstances. Legal custody could be granted by the Courts. The provisions of the title outline the circumstances and require that no abuse or neglect be present.

Financial Plan Impact

The proposed title will have no impact on the budget and financial plan. The proposed title will expedite custodial placements by allowing a new population of guardians to be eligible.

Title VI - Public Works

Subtitle A - Traffic Amendment Act of 2005:

Background

The proposed subtitle increases the motor vehicle booting fee from \$50 to \$75.

Financial Plan Impact

Funds are sufficient in the proposed FY 2006 through FY 2009 budget and financial plan to implement the provisions of the proposed subtitle. No additional staff or resources will be required. The proposed subtitle will increase revenue by approximately \$340,000 annually. The table in Figure 21 presents the estimated annual increase impacting the financial plan.

Estimated Annual Collection				
FY 2006	FY 2007	FY 2008	FY 2009	4-Year Total
\$034	SQJ4	SQ34	\$034	1 S1J6

Subtitle B - Parking Fines Increase Act of 2005:

Background

The proposed subtitle increases parking fines for nine types of violations.

Financial Plan Impact

Funds are sufficient in the proposed FY 2006 through FY 2009 budget and financial plan to implement the provisions of the proposed subtitle. No additional staff or resources will be required. The proposed subtitle will increase revenue by approximately \$1.3 million annually. The table in Figure 22 presents the estimated annual increase impacting the financial plan.

Attachment F.

Committee print of Bill 16-180.

A BILL

16-180

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require the Mayor to establish a pilot program through which a grandparent may be eligible to receive subsidy payments for the care and custody of a child, to establish eligibility requirements for the subsidy, to provide that there is no entitlement to a subsidy and the payment of any subsidies is subject to the availability of appropriations, to authorize the Mayor to issue rules to implement the provisions of the act, and to require the Mayor to issue a report to the Council evaluating the program; and to amend the District of Columbia Public Assistance Act of 1982 to provide that a subsidy received by a grandparent under the program established by this act shall be disregarded in determining financial eligibility for Temporary Assistance for Needy Families.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Grandparent Caregivers Pilot Program Establishment Act of 2005".

TITLE I

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Criminal background check" means the investigation of an individual's criminal history through the record systems of the Federal Bureau of Investigation and the Metropolitan Police Department.

(2) "Grandparent" means a grandparent, great-grandparent, great-aunt, and great-

uncle of a child. 1

(3) "Mayor" means the Mayor or a designee of the Mayor. 2

(4) "Temporary Assistance for Needy Families" or "TANF" means the Temporary 3
Assistance for Needy Families program established by section 201 of the District of Columbia 4
Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4- 5
202.01). 6

Sec. 102. Establishment of pilot program to provide subsidies for grandparent caregivers. 7

(a) No later than March 1, 2006, the Mayor shall establish a pilot program through which 8
eligible grandparents may receive subsidy payments for the care and custody of a child residing 9
in their home. 10

(b) The pilot program shall continue through September 30, 2009. 11

Sec. 103. Eligibility. 12

(a) A grandparent may be eligible to receive subsidy payments under this section if: 13

(1) The grandparent has an order granting him or her legal custody of the child; 14

(2) The child has resided in the grandparent's home for at least the previous 6 15
months; 16

(3) The child's parent has not resided in the grandparent's home for at least the 17
previous 6 months; provided, that a parent who has designated the grandparent to be the child's 18
standby guardian pursuant to Chapter 48 of Title 16 may reside in the home without disqualifying 19
the grandparent from receiving a subsidy; 20

(4) The grandparent, and all adults residing in the grandparent's home, has 21
submitted to a criminal background check; 22

- (5) The grandparent's household income is under 200 percent of the federally-
defined poverty level;
- (6) The grandparent is a resident of the District as defined by section 503 of the
District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101;
D.C. Official Code § 4-205.03);
- (7) The grandparent has applied for Temporary Assistance for Needy Families
benefits for the child;
- (8) The grandparent has entered into a subsidy agreement that includes a provision
that no payments received under the agreement shall inure to the benefit of the child's parent but
shall be solely for the benefit of the child;
- (9) The grandparent has provided a signed statement, sworn under penalty of
perjury, that the information provided to establish eligibility pursuant to this section, or any rules
promulgated pursuant to section 106, is true and accurate to the best belief of the grandparent
applicant; and
- (10) The grandparent has met any additional requirements prescribed by the
Mayor pursuant to rules issued under section 106.
- (b) The Mayor shall recertify the eligibility of each grandparent receiving a subsidy on at
least an annual basis.
- (c) The Mayor shall terminate subsidy payments to a grandparent at any time if the Mayor
determines the grandparent no longer meets the eligibility requirements established by this
section, if there is a substantiated finding of child abuse or neglect against the grandparent
caregiver, or as provided by rules issued under section 106.

(d) Eligibility for subsidy payments under this section may continue until the child reaches 18 years of age.

(e) An applicant whose application for a subsidy has been denied or whose subsidy has been terminated shall be entitled to a hearing under the applicable provisions of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*); provided, that a grandparent shall not be entitled to a hearing if the denial or termination of a subsidy is based upon the unavailability of appropriated funds.

Sec. 104. Subsidies.

(a) All subsidies established under this act shall be subject to the availability of appropriations. Nothing in this act shall be construed as creating an entitlement to a subsidy for any person.

(b) The amount of a subsidy a grandparent is eligible to receive under this act shall be equivalent to the regular daily rate of the subsidy for a long-term permanent guardianship established under § 29-6103.3 of the District of Columbia Municipal Regulations.

(c) The amount of a subsidy a grandparent is eligible to receive under this act shall be offset by any amount a grandparent receives from TANF for the child.

(d) Nothing in this act shall be construed as relieving the parent of a child from any legal obligation to financially support the child for whom a grandparent is receiving a subsidy under this act.

Sec. 105. Reports.

No later than January 1 of each year, beginning in 2007, the Mayor shall issue a report to the Council on the subsidy program established by this act. At a minimum, the report shall

include:	1
(1) The number of applications filed for the subsidy;	2
(2) The number of subsidies awarded;	3
(3) The number of families receiving both the subsidy and TANF;	4
(4) The number of applications denied for failure to meet eligibility criteria;	5
(5) The number of applications denied for lack of appropriated funding;	6
(6) An estimate of grandparent caregivers who would likely meet the eligibility	7
criteria established under section 103(a) but have not applied for the subsidy;	8
(7) An estimate of the number of grandparents in the District who are acting as the	9
primary caregivers of their grandchildren without having obtained a grant of custody by the court,	10
permanent guardianship order, or standby guardianship order;	11
(8) The number of subsidies terminated by the Mayor pursuant to section 103(b)	12
or voluntarily by the grandparent caregiver;	13
(9) The number of documented cases of fraud as a percentage of all subsidies	14
awarded, and a comparison of this rate to the proportion of cases of fraud involving similar	15
programs, including permanent guardianship subsidies awarded under D.C. Official Code § 16-	16
2399, TANF, Food Stamps, and Medicaid;	17
(10) The number of children removed from households receiving a subsidy under	18
the program established by this act due to a substantiated allegation of child abuse or neglect; and	19
(11) Any legislative, policy, or administrative recommendations of the Family	20
Court or of agencies designated by the Mayor to execute the provisions of this act that are	21
intended to enhance the effectiveness of the program.	22

Sec. 106. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

Title II

Sec. 201. Section 51 l(a) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.11 (a)), is amended as follows:

(a) Paragraph (6)(D) is amended by striking the word "and" at the end.

(b) Paragraph (8) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new paragraph (9) is added to read as follows:

"(9) Disregard any subsidy received under the program established by Title I of the Grandparent Caregivers Pilot Program Establishment Act of 2005, as approved by the Committee on Human Services on October 14, 2005 (Committee print of Bill 16-180).".

Title III

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement require by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the

Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
Columbia Register.

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